

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

YOLANDA MELISSA STEADHAM,

Defendant and Appellant.

E045925

(Super.Ct.Nos. FVI702719,  
FVI800215)

**OPINION**

APPEAL from the Superior Court of San Bernardino County. Annemarie G. Pace,  
Judge. Affirmed with directions.

Linda Acaldo, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

# I

## INTRODUCTION

### A. *Case No. FVI702719*

On December 14, 2007, defendant and appellant Yolanda Steadham was charged by felony complaint with (1) theft by credit card under Penal Code section 484e, subdivision (d)<sup>1</sup> (count 1); (2) identity theft under section 530.5, subdivision (a) (count 2); (3) commercial burglary under section 459 (counts 3, 6, 9, 12, 15); (4) forgery under section 470, subdivision (a) (counts 4, 7, 10, 13, 16); (5) false personation under section 529 (counts 5, 8, 11, 14, 17); and (6) receiving stolen property under section 496, subdivision (a) (count 18). The complaint also alleged that at the time of the commission of the offenses defendant was released from custody on bail under section 12022.1.

Prior to a preliminary hearing, defendant entered a plea of no contest to count 18, admitted the special allegation, and entered a waiver under *People v. Harvey* (1979) 25 Cal.3d 754 as to the remaining counts, which were dismissed. Under the terms of the plea agreement, defendant was sentenced to the low term of 16 months on count 18 and to the midterm of two years on the special allegation, to run consecutively, for a total of three years four months in state prison. A restitution hearing was scheduled for a future date; defendant waived her presence at the hearing.

In May of 2008, defendant filed a petition for modification of her sentence; the trial court denied the petition.

---

<sup>1</sup> All statutory references are to the Penal Code unless otherwise specified.

Defendant filed a notice of appeal.

B. *Case No. FVI800215*

On January 31, 2008, a felony complaint charged defendant with (1) theft from elder or dependent adult under section 368, subdivision (d) (counts 1, 2, 3, 4); (2) identity theft under section 530.5, subdivision (a) (count 5); and (3) false personation under section 529 (count 6).

Defendant entered a plea of no contest to false personation and entered a waiver under *People v. Harvey, supra*, 25 Cal.3d 754 as to the remaining counts, which were dismissed.<sup>2</sup> Defendant was sentenced to the low term of 16 months in state prison, to be served concurrently with the sentence imposed in the prior case. Thereafter, the notice of appeal filed by defendant in case No. FVI702719 was amended to include this case.

On April 29, 2008, the trial court held the restitution hearing on both cases. In case No. FVI702719, the court imposed restitution in the amount of \$168,766.66 to Prescott Johnson, and in case No. FVI800215, the court imposed restitution in the amount of \$1,623.91 to First Mountain Bank. The trial court relied on a restitution memorandum filed with the court by the probation department. In the memorandum, the probation department mixed up the two case numbers. The memorandum stated that in case No. FVI702719, the victim was Prescott Johnson, and the amount of restitution was

---

<sup>2</sup> The plea disposition form incorrectly indicated that defendant pled guilty to count 5, instead of count 6. In taking the plea, the court also referred to it as count 5 rather than 6; however, it is clear that defendant pled not contest to false personation, count 6, and that the court merely misspoke based on the erroneous plea disposition form.

\$168,766.66; in case No. FVI800215, the victim was First Mountain Bank, and the amount of restitution was \$1,623.91. Although the amounts awarded were correct, the complaints filed in both cases indicate that in case No. FVI702719, the victim was First Mountain Bank, and that in case No. FVI800215, the victim was Prescott Johnson.

## II

### FACTS

In case No. FVI702719, defendant and codefendant Deborah Rae Strause entered Planet Funk, Los Amaya Electronica Y Discoteca, and J.C. Penney's and fraudulently obtained property. In case No. FVI800215, defendant was charged in four counts of elder abuse by theft, false personation, and identity theft regarding Prescott Johnston, the victim.

## III

### ANALYSIS

After defendant appealed, and upon her request, this court appointed counsel to represent her. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436, and *Anders v. California* (1967) 386 U.S. 738 setting forth a statement of the case, a summary of the facts, and potential arguable issues and requesting this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, and she has not done so.

We have now concluded our independent review of the record and found one arguable issue. As appellate counsel has pointed out, the record shows that (1) the case numbers are reversed in the restitution orders; and (2) the plea disposition form in case No. FVI800215 erroneously indicated that defendant pled guilty to count 5, when in fact, she pled guilty to count 6.

“It is well established that a sentence which is the result of clerical error (in the sense of inadvertence, though committed by the judge) may be corrected at any time, by the trial court or the reviewing court; the same is true of an unauthorized sentence, such as one which fails to apply mandatory law. [Citations.]” (*People v. Menius* (1994) 25 Cal.App.4th 1290, 1294-1295.)

Here, the record is clear that the restitution orders in both cases and the plea disposition form contained clerical errors (as does the attendant minute order). Therefore, we hereby order as follows: (1) the restitution order in case No. FVI702719 be amended to indicate that defendant is ordered to pay restitution to First Mountain Bank, *not* Prescott Johnson; (2) the restitution order in case No. FVI800215 be amended to indicate that defendant is ordered to pay restitution to Prescott Johnson, *not* First Mountain Bank; (3) the plea disposition form in case No. FVI800215 be amended to indicate that defendant pled guilty to count 6, *not* count 5; and the minute order of March 5, 2008, in case No. FVI800215 also be corrected indicate that defendant pled guilty to count 6, *not* count 5.

IV

DISPOSITION

The trial court is directed to amend restitution orders, plea disposition form, and minute order as indicated above. In all other respects, the judgment is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

/s/ McKinster  
J.

We concur:

/s/ Hollenhorst  
Acting P.J.

/s/ Gaut  
J.